THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO.9651 of 2006

8th June 2006

Between:

1. Deputy Commissioner (Commercial taxes), Visakhapatnam Division, Visakhapatnam.

And four others.

...PETITIONERS

AND

1. P.Venugopala Rao, ACTO, O/o.The CTO, Parvathipuram Circle, Vizianagaram.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.9651 of 2006

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard the learned Government Pleader for Services II and Sri P.V.Krishnaiah, the learned counsel, who takes notice on behalf of the first respondent.

At their request, the Writ Petition itself is taken up for disposal at the stage of admission.

The petitioners seek to assail the order dated 11.03.2005 in O.A.No.1030 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity), which is an *ad interim ex parte* order made in an application to set aside the proceedings in Rc.No.208/2005/A7 dated 04.03.2005 wherein the Tribunal gave certain directions to the petitioners.

Though the learned Government Pleader for Services II submits that he has already filed counter affidavit wherein several substantial questions were raised, in regard to the fact that the respondents are likely to take up the contempt proceedings, the said order requires to be set aside.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that no doubt the learned Government Pleader raised several substantial questions in this Writ Petition based upon the allegations as made in the counter affidavit to the effect that the interim order granted by the Tribunal virtually falls in the teeth of the orders passed by the Apex Court, the order is only an *ex parte* one and the petitioners has a remedy of approaching the Tribunal by filing an application to vacate the same. It is submitted that the counter affidavit has already been filed whereupon the matter can be disposed of on merits and the final orders can be passed.

In that view of the matter, the Writ Petition is dismissed with liberty to the petitioners to file an application to vacate the impugned order. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

8th June 2006

Note: CC by two days

B/O

RRB

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